UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,333	03/29/2004	John J. Giobbi	47079-00087USC1	2703

70243 7590 06/26/2008

NIXON PEABODY LLP
161 N CLARK ST.
48TH FLOOR
CHICAGO, IL 60601-3213

EXAMINER	
LAMMIE, THERON F	
ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/812,333	GIOBBI, JOHN J.	
	Examiner	Art Unit	
	Theron F. Lammie	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-92* is/are pending in the application.

4a) Of the above claim(s) *1-54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *55-92* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *29 March, 2004, 22 June, 2006, 31 December, 2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Objections

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98 as Applicant has failed to provide copies of all of the Foreign Patents/Publications cited.

37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Duplication

Applicant is advised that should claim 55; 56; 58; 59; 64; 67; 73; 82 and lastly claim 83 be found allowable, claims 61, 66, 68, 71, 76, 81 and 86; 57, 62-63 and 77; 90; 84 and 91; 65, 69, 75, 79, 85 and 92; 70 and 80; 74; 88; and lastly 89 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Double Patenting

Claims 55-92 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 55-84 and 26-46 of copending Application Numbers 11/820329 and 11/519463 respectively.

. Although the conflicting claims are not identical, they are not patentably distinct from each other because the applications only differ in their terminology for claiming the same invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 55-92 are further rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7, 1-21 and 1-10 of U.S.

Patent Numbers 6749510, 7182690 and 6800027; as well as claims 1-54, 1-44 and 1-24 of EP Patent numbers 1231577 and 1180754; and claims 1-24 of CA Patent number 2331243. Although the conflicting claims are not identical, they are not patentably distinct from each other because they only differ in their terminology used to describe the same invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 55-92 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiltshire et al., (Wiltshire); (WO 00/030729).

Re: Claims 55, 61, 66, 68, 71, 76, 81 and 86, lacking any clear distinguishing features, Wiltshire teaches a centralized gaming system as shown (in fig.1D), comprising: a

central server system (110) storing a plurality of games of chance (see figs.5A-9D) and including a play engine to show/store occurrences in a game, such as but not limited to Pulls and Bankroll (in fig.5B); and a plurality of remote display terminals (120) linked to the central server system, each remote display terminal including a display(140); wherein in response to one of the games being selected for play at one of the remote display terminals, game play software for the selected game is loaded (in fig.3, (320-330)) into and executed by the play engine to randomly select an outcome for example for slot machine game (in fig.5A; col.4, ln.27-28), with the outcome visually represented on the display of the participating user terminal.

Re: Claims 56-57, 62-63 and 77, Wiltshire teaches the disclosed (in col.7, see ln.15-27 and in fig.3, flow chart showing elements (320 and 350)) for the selected game.

Re: Claim 58 and 90, Wiltshire teaches the limitation as previously mentioned (in rejections of claims 55 and 86).

Re: Claim 59, 84 and 91, Wiltshire teaches each remote display terminal includes upper (140) and lower (such as, (500)) video displays, the upper video display depicting billboard indicia of game data, with the lower display visually representing the outcome as shown (such as, in fig.5A); wherein each gaming terminal includes displaying a plurality of game selection indicia associated with the respective games as shown by Wiltshire (in figures).

Re: Claim 60, Wiltshire teaches LCD displays can be used (in col.4, ln.18-19).

Re: Claims 64-65, 69, 75, 79, 85 and 92, Wiltshire teaches in response to one of the games being selected for play at the display terminal, the display terminal informs the

central server system of a version of any audiovisual software for the selected game already residing in the display terminal; and wherein if the version is up to date (matching image on the master game terminal (remote host) in central server), the audiovisual software mentioned (in col.7, ln.17) is selectively executed at the display terminal to visually represent the outcome on the display of the display terminal as depicted (in fig.2, (220)); and wherein if the version is not up to date (not matching/idle image on master game terminal in central server), updated audiovisual software for the selected game is downloaded from the central server system to the display terminal as shown (in fig.2, (220-230) if yes option for 220) and is selectively executed at the display terminal to visually represent the outcome on the display of the display terminal as taught (in fig.2, (240)).

Re: Claims 67, 70 and 80, Wiltshire teaches a database server for storing game activity data based on the outcome such as, but not limited to, amount won (in fig.5B, "You Won").

Re: Claim 72, the disclosed was previously addressed (in rejection of claim 17).

Re: Claims 73-74, Wiltshire teaches downloading client program (320) from the central server system to the one of the display terminals (330) upon which executing (350) the software can occur as displayed (in fig.3); the taught client program would encapsulate the audiovisual software previously mentioned (in col.7, ln.17).

Re: Claims 82 and 88, Wiltshire teaches the downloaded software includes game play software as shown (in fig.3, (310-330)).

Re: Claims 83 and 89, Wiltshire teaches with his preloaded software eliminating, as mentioned (in col.8, ln.35-37) stages (310 -330) (in fig.3) and having the user play the gaming software (350) which inherently suggests that the audio/visual data is downloaded from the medium on which the software is stored for game play.

Re: Claim 87, Wiltshire teaches receiving a wagering input at the one of the gaming terminals to play the selected game (in fig.1, (150)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theron F. Lammie whose telephone number is (571)270-1184. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Theron F Lammie/
Examiner, Art Unit 3714

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714